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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTIAN ZELAYA,

Defendant and Appellant.

B293298

Los Angeles County
Super. Ct. No. MA072371

APPEAL from a judgment of the Superior Court of Los Angeles County, Christopher G. Estes, Judge. Affirmed.

Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Defendant Christian Gabriel Zelaya pled no contest to carrying a dirk or dagger and identity theft. Pursuant to the agreed disposition, the trial court sentenced defendant to four years and four months in county jail, but suspended execution of the sentence to allow defendant to complete two drug treatment programs. After defendant was discharged from the second drug treatment program for not complying with the required protocol and standards, the court executed the suspended sentence. Defendant's appellate counsel filed a brief in which no issues were raised. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) We affirm the judgment.

BACKGROUND

On October 4, 2017, defendant broke into a laundry room in an apartment complex. Deputy sheriffs found him sitting on top of a washing machine. When they first saw defendant, he was sitting close to a pipe used to smoke methamphetamine and appeared to be under the influence of a central nervous system stimulant. Defendant was carrying a knife with a four to five-inch blade in his pocket, and two identification cards belonging to other people in his hand or in his cell phone case.

By information filed November 2, 2017, defendant was charged with one count of carrying a dirk or dagger (Pen. Code, § 21310; count 1),¹ two counts of fraudulent possession of personal identifying information with a prior conviction for the same offense (§ 530.5, subd. (c)(2); counts 2 and 3), one count of possessing an object that can be used to smoke a controlled

¹ All undesignated statutory references are to the Penal Code.

substance (Health & Saf. Code, §11364; count 4), and one count of being under the influence of a controlled substance (Health & Saf. Code, §11550; count 5). The information also alleged that defendant had suffered a prior conviction in September 2017 for violating section 530.5.

On November 28, 2017, defendant pled no contest to carrying a dirk or dagger and fraudulent possession of personal identifying information with a prior conviction for the same offense as alleged in counts 1, 2, and 3. He also admitted the prior conviction. The court sentenced defendant to a total of four years and four months in county jail, but suspended execution of the sentence to allow him to complete the substance abuse and re-entry transition program (START program) and a subsequent drug treatment program at Tarzana Treatment Center. Although defendant completed the START program, he was discharged from Tarzana Treatment Center for missing several days of treatment and scheduled drug tests, and for testing positive for methamphetamine and amphetamine.

The court held a sentencing hearing on August 29, 2018. After rejecting defendant's request for another chance at drug rehabilitation, the court executed the previously suspended sentence of four years and four months in county jail. The court selected the upper term of three years for count 1, plus one-third the mid-term, or eight months, for counts 2 and 3 to run consecutively. Counts 4 and 5 were dismissed. The court awarded defendant a total of 509 days custody credit. This timely appeal followed.

DISCUSSION

On March 18, 2019, defendant's appellate counsel filed a brief in which counsel raised no issues and asked us to review the

record independently. By notice dated March 19, 2019, the clerk of this court advised defendant that he could submit within 30 days any contentions, grounds of appeal, or arguments he wished this court to consider. No response has been received to date. We have examined the entire record and are satisfied no arguable issues exist in the appeal before us. (*Smith v. Robbins* (2000) 528 U.S. 259, 278–284; *Wende, supra*, 25 Cal.3d at p. 443.)

DISPOSITION

The judgment is affirmed.

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LAVIN, Acting P. J.

WE CONCUR:

EGERTON, J.

DHANIDINA, J.